house, till he hath served three years as an Advocate, or prior to the Act of Aequal. 1695 Art. 10.

The privileges & Common to all Members of the College of Justice are these following. 1° No Inferior court is Competent to judge in Civil causes belonging to Members of the College of Justice Act 39 infra Par. 6 L. M. M'Kenzie v. Bower 2nd Act 39. And particularly they are Exempted from the Civil Jurisdiction of the Magistrates of Edinburgh, which upon a Declinator proponed by a Member of the College of Justice Right to desist from any procedure against him without Facility of Advocation 23 Feb. 1687 College of Justice contra Town of Edinburgh. 2° They are Exempted from Scotching Wording and other services within Burghs and any Impositions for the same Act 153 Par. 12 Act 275 Par. 15 J. 6 23 Feb. 1687 College of Justice contra Town of Edinburgh. And in time of Late Rebellion Common Hands and publick Troubles they Voluntarily Arm and put themselves Under Military Discipline and keep guard in the Session house. 3° They are free from paying Annuity for Messengers Stipends Buttons Fancies Mails, Horse dues, and other Impositions laid on their provisions of Meat and Drink for their families and their other goods carried to or from Edinburgh paid Collected at the Port and other places within the Liberties thereof upon sight of a Certificate subscribed by them that such goods or provisions belong to them Eodem die inter Eosdem. 4° They have a privilege in the way and Manner of stating them as members of Tenements within Edinburgh &c. for Exactions or Cess imposed by Parliament or Convention of estates, which is explained in another place Vide Vol. 2 pag. These Common privileges of Members of the College of Justice are Extended by a Decree of the Session to the persons following, viz. one Clerk, servant of each Lord of Session one servant of each Advocate, four Extracters in each of the three Clerks office of the Session two servants Employed by the Clerk Register in keeping of the publick Registers, the Keeper of the Session house, and the Keeper of the Advocates Library Eodem die inter Eosdem. Which by an order of the Lords of Justiciary (14 Novem. 1692) is Communicated to the Clerk of the Justice Court his Deputy and servant and the Macers of the said Court. Provided always, that if any of these servants or others to whom the foresaid privileges

privileges are extended, shall keep Merchants Shops Taverns or alehouses, or exercise any other trade within the Burgh they shall not Enjoy any of the privileges above Mentioned 23 Feb. 1687 College of Justice contra Town of Edinburgh.

The Privileges and Immunities of the College of Justice are of a date with the Institution thereof, and have been since Ratified by Many Acts of Parliament particularly by the only Act of Queen Marie's second Parliament which seems to have been Enacted for that sole end. Their Special privileges within the Town of Edinburgh and Liberties thereof were declared by the Lords of Session in foro Cantor 23 Feb. 1687 College of Justice contra Town of Edinburgh. Recorded among the Acts of Sederunt. A person was found not to have forfeited his privileges as a Member of the College of Justice by Retiring to and the Siding in the Abbey of Holyroodhouse, to shun the Diligence of his Creditors 11 January 1710 Anstruther contra Gordon.

The Barons, officers and Members of the Court of Exchequer Enjoy the same privileges as Members of the College of Justice Enjoy in Scotland, except that they may be purchased in Justice upon the Lists of the Session for causes not Competent to the Court of Exchequer 6 A. Cap. 26 §10

As Members of the College are privileged, so they are in some Cases Restrained beyond others. Viz. for keeping down pleas, and to hinder over acting and Minious Delegated about them. Members of the College of Justice can not Litigate buy plead, Vid. Sup. pag. 509, 829, 1153. nor bargain and quota litis Vid. pag. 510, 1153. They cannot be Named factors upon sequestrated Estates, Act of Sederunt 23 November 1710. They are obliged to answer summarily as to any thing that Concerned their employment or trust from their Clients, as if they refused to Exhibite or Deliver writs intrusted to them. Yea an Advocate was found obliged to Answer on a Bill in an Alimentary affair without a Signet process, tho the Matter Concerned not his Employment. In Respect the Lords are in use to Determine Bills and Discuss causes Upon Bills of Suspension where both parties appear Summarily, and this case Resembled Dispatch 21 January 1676 Hume contra Hume. But in other cases Members of the College of Justice cannot be More Summarily Convened